IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6012 of 2007()

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APPLICANT/3RD ACCUSED

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GEETHA KUMARI, W/O. SASIKUMAR,
D/O. THANKAMMA, GEETHA BHAVAN,
VALIYAVELI P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
(SUB INSPECTOR OF POLICE, THUMBA POLICE STATION,
THIRUVANANTHAPURAM.)

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.6012 of 2007**

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Dated this the 4th day of October, 2007

**ORDER**

Application for anticipatory bail. Petitioner, a woman is the 3rd accused. Her husband is the 1st accused. The crux of the allegations against the accused persons is that they had fraudulently induced a large numbers of persons to part with amounts on the inducement that employment, domestic and abroad, shall be secured for them. It is the case of the prosecution that such representation was made fraudulently with no serious intention of performing such promises. A group of persons filed a complaint before the superior officials of the Police and thereupon an enquiry was conducted. It is on the basis of enquiry conducted that a report was submitted and then the FIR has been registered. The enquiry conducted and the report submitted reveal the active complicity of the accused, though a woman. It is alleged that the petitioner had played an active role in the fraud played inducing the inllible victims to part with large amounts on the basis of false and incorrect representations.

2. Investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the allegations raised against the petitioner are without any basis or substance. Admittedly cheques, promissory notes etc. have been

signed. They are being misused. The petitioner was falsely implicated with the only intention to coerce her, to meet the illegal demands of the claimants, taking full advantage of the situtation that her husband is abroad, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are validly raised. Materials presently collected reveal the complicity of the petitioner, who had made false representations to the job seekers.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am unable to perceive any features in this case suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I am satisfied, is a fit case where the petitioner must appear before the learned Magistrate and seek regular bail in the ordinary and normal course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

**(R.BASANT, JUDGE)**

sj